United Nations A/HRC/28/L.5

General Assembly

Distr.: Limited
20 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Angola,* Argentina, Armenia,* Australia,* Austria,* Belgium,* Bolivia (Plurinational State of), Bulgaria,* Canada,* Costa Rica,* Croatia,*, Cuba, Cyprus,* Denmark,* Estonia, Ethiopia, Finland,* France, Georgia,* Germany, Greece,* Guatemala,* Honduras,* Hungary,* Iceland,* Ireland, Israel,* Italy,* Latvia, Lithuania,* Luxembourg,* Maldives, Malta,* Mexico, Montenegro, Netherlands, New Zealand,* Nicaragua,* Niger,* Panama,* Paraguay, Peru,* Portugal, Serbia,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay,* Venezuela (Bolivarian Republic of):* draft resolution

28/... The right of persons with disabilities to live independently and be included in the community on an equal basis with others

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto,

Recalling also the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 25/20 of 28 March 2014, and welcoming the efforts of all stakeholders to implement those resolutions,

Recalling in particular that article 19 of the Convention on the Rights of Persons with Disabilities reaffirms the right of persons with disabilities to live independently and be included in the community on an equal basis with others, and provides that, with a view to realizing this right without discrimination, States parties shall take effective and appropriate

* Non-member State of the Human Rights Council.

measures to facilitate the full inclusion and participation in the community of persons with disabilities,

Recalling the general principles reflected in the Convention on the Rights of Persons with Disabilities, namely respect for inherent dignity, individual autonomy and independence, and full and effective participation and inclusion in society,

Emphasizing that the enjoyment of the right to living independently and being included in the community on an equal basis with others is closely linked to the enjoyment of the full range of human rights by persons with disabilities,

Recognizing that progress has been made, yet deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to live independently and be included in the community on an equal basis with others,

Emphasizing that access to physical environment, transportation, information and communications, including information and communications technology, as well as other services and facilities provided to public, are a key to independent, autonomous living and equal participation in society by persons with disabilities,

Welcoming the work undertaken by the task force on secretariat services, accessibility for persons with disabilities and use of information technology of the Human Rights Council, and encouraging it to report orally to the Council on the progress made on the full implementation of the recommendations contained in its report[1] and its future work,

Deeply concerned at the negative impact of laws or practices on the rights of persons with disabilities that deprive them of their legal capacity or allow for their forced institutionalization on the basis of a real or perceived disability,

Deeply concerned also that girls and women of all ages with disabilities are subject to multiple, aggravated or intersecting forms of discrimination, and bearing in mind the particular risk of segregation, violence and abuse against women and girls with disabilities,

Noting the ongoing preparations for the post-2015 development agenda and its consideration of persons with disabilities both in the report of the Open Working Group of the General Assembly on Sustainable Development Goals[2] and the report of the Secretary-General entitled "A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015",[3]

Recalling the high-level meeting of the General Assembly held on 23 September 2013 on disability and development and its outcome document,

Welcoming the appointment of the Special Rapporteur on the rights of persons with disabilities, and her report,[4]

1. *Welcomes* the fact that, to date, 159 States have signed and 151 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that 92 States have signed and 85 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

[1] A/HRC/21/CRP.1, A/HRC/23/CRP.2.
[2] A/68/970.
[3] A/68/202.
[4] A/HRC/28/58.

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on the right of persons with disabilities to live independently and be included in the community prepared by the Office of the United Nations High Commissioner for Human Rights,[5] and calls upon all stakeholders to consider its findings and recommendations, with a view to their implementation, as appropriate;

4. *Calls upon* States that are not yet party to the Convention on the Rights of Persons with Disabilities to ensure that persons with disabilities can effectively and fully enjoy the right to living independently and being included in the community on an equal basis with others;

5. *Calls upon* States parties to take effective and appropriate measures to facilitate the full enjoyment by persons with disabilities of the right to live independently and be included in the community on an equal basis with others, and urges States parties, in furtherance of this objective to, inter alia:

(*a*) Guarantee equal recognition before the law of persons with disabilities and ensure that they have the opportunity to exercise control over their lives on an equal basis with others;

(*b*) Prevent isolation or segregation from the community of persons with disabilities, and in that regard take further measures towards their deinstitutionalization;

(*c*) Provide persons with disabilities with access to a range of support services that are responsive to their individual choices, wishes and needs, including for their deinstitutionalization;

6. *Urges* States to take all appropriate measures to eliminate discrimination against women and girls with disabilities and to promote gender equality, in order to ensure the equal enjoyment of their rights, in particular to live independently and be fully included and participate in the community on an equal basis with others;

7. *Encourages* States to engage in international cooperation efforts aimed at enhancing their national capacities to fully guarantee the right of persons with disabilities to live independently and be included in the community on an equal basis with others, and invites the Office of the High Commissioner and relevant United Nations agencies to consider ways to foster international cooperation activities in this regard;

8. *Recognizes* the importance of international cooperation and its promotion in support of national efforts to promote the rights of persons with disabilities, including the right to live independently and be included in the community on an equal basis with others without discrimination, and in this regard encourages the mobilization of public and private resources on a sustainable basis to mainstream disability in development and underlines the need to promote and strengthen international cooperation at all levels, the exchange of good practices and partnerships for disability-inclusive development;

9. *Calls upon* States to ensure that all international cooperation is inclusive of persons with disabilities and does not contribute to creating new barriers for them;

10. *Also calls upon* States to consider becoming party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

[5] A/HRC/28/37.

11. *Decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its thirty-first session and that it will focus on article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies, and will have international sign interpretation and captioning;

12. *Requests* the Office of the High Commissioner to prepare its annual study on the rights of persons with disabilities on article 11 of the Convention, on situations of risk and humanitarian emergencies, and in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, and the study and an easy-to-read-version of it, be made available on the website of the Office, in an accessible format, prior to the thirty-first session of the Human Rights Council;

13. *Also decides* to make the resolution on the rights of persons with disabilities biennial as of the thirty-first session, with its subsequent consideration at the thirty-seventh session;

14. *Urges* States to consider further integrating and mainstreaming the perspective and rights of persons with disabilities into the work of the Human Rights Council;

15. *Encourages* representative organizations of persons with disabilities, civil society, national monitoring bodies and human rights institutions to participate actively in the debate referred to in paragraph 11 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

16. *Invites* the Conference of State Parties to the Convention on the Rights of Persons with Disabilities to consider, in accordance with its mandate, the outcome document of the World Conference on Disaster Risk Reduction, held in Sendai, Japan, in March 2015, and the World Humanitarian Summit, which will be held in Istanbul in May 2016, in relation to article 11 of the Convention;

17. *Requests* the Secretary-General, the High Commissioner and United Nations offices to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities;

18. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks.